

REMARKS

Claims 1-51 are pending in this application. Claims 30-32 were withdrawn from consideration as being directed to a non-elected species.

The courtesies extended to Applicant's representative by Examiner Derakshani at the interview held November 14 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Applicant also appreciates the indication that claims 5-9 and 12 would be allowable if rewritten in independent form and the agreement that Brugger does not teach or suggest the claimed elastically-deformable transmission member.

The Office Action objects to the Drawings because they are said to not include the reference numeral (58). Please see Figure 2 where element (58) is shown above element (60). Applicant respectfully requests withdrawal of this objection.

Claims 1-4, 10-11, 13-14, 26-28, 33-45 and 48-51 stand rejected under 35 U.S.C. §102(b) over Brugger, U.S. Patent No. 5,971,210. This rejection is respectfully traversed.

As agreed in the interview on November 14, Brugger does not disclose at least one elastically-deformable transmission member associated with at least one of the control members and configured in such a manner as to transmit displacement of the pushbutton to the at least one control member in order to dispense a substance from the device. Brugger shows either plunger rods (19 and 20) or bearing rollers (27, 28) that are guided in guiding rails (29, 30) as its corresponding transmission member. Neither of the Brugger devices is elastically deformable. As such, withdrawal of the 35 U.S.C. §102(b) rejection is requested.

Claims 15-25, 29, 46 and 47 stand rejected under 35 U.S.C. §103(a) over Brugger in view of DE 3911089. These claims depend from claim 1 and are patentable because the

combination does not teach or suggest the claimed device or method, for at least the same reasons as claim 1. Withdrawal of the 35 U.S.C. §103(a) rejection is also requested.

Withdrawn claims 30-32 depend from claim 1 and should be rejoined and allowed with claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-51 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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